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LITIGATION BUREAU

July 10, 2023

**VIA ECF**

Honorable Jennifer H. Rearden  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

USDC SDNY  
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Re: *Sisters of Life v. McDonald*, No. 22-cv-7529 (JHR)

Your Honor,

I am counsel for defendant James V. McDonald, Commissioner of the New York State Department of Health (“DOH”) in the above-referenced action. By order dated April 18, 2023 (ECF Doc. No. 34), the Court granted the parties’ joint request for a stay of this action through July 13, 2023, and directed the parties file a status letter by July 10, 2023. I write now on behalf of the parties with a status update and to request an additional 45-day stay of the action.

This case concerns a facial and as-applied challenge brought by plaintiff Sisters of Life, a Catholic community of religious sisters, to Assembly Bill A5499 (“A5499”), a state law which directs DOH to conduct a study of the impact of limited-service pregnancy centers on the ability of women to access the full array of reproductive and sexual healthcare information and services covered by the State’s Medicaid program. Among other things, A5499 authorizes DOH to request information from limited-service pregnancy centers as part of the study directed by the State Legislature.

Since the Court’s April 18 order, DOH has made substantial progress and is in the process of finalizing its implementation of the study authorized by A5499 that is the subject of plaintiff’s challenge. In light of the foregoing, the parties respectfully request an additional 45-day stay of the litigation while DOH finalizes the information requests that DOH will be issuing pursuant to A5499. The parties continue to believe that such a brief further stay of the litigation is the most efficient course for the parties and the Court at this time.

The parties agree that this proposed 45-day stay will be governed by the same terms that governed the earlier stays, as fully set forth in their most recent joint application approved by the Court on April 18. (ECF Doc. No. 34.) In addition, DOH agrees to provide plaintiff with the survey

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that DOH will be disseminating as part of its implementation of A5499 once the survey is finalized, but in any event no later than by 10 days prior to the expiration of the proposed stay, to allow plaintiff the option of reinstating this litigation, including its motion for a preliminary injunction. As before, if further litigation is required, the parties agree to confer and propose an agreed-upon briefing schedule to the Court for the preliminary injunction motion and other matters as required by the Federal Rules of Civil Procedure and Your Honor's individual practices.

The parties respectfully request that the Court grant their joint application for a further 45-day stay of the litigation, subject to the terms of the parties' agreement as set forth above.

Respectfully submitted,

/s/

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The parties' joint request to extend the stay (ECF No. 35) is GRANTED. The stay is extended until August 28, 2023. By August 25, 2023, the parties shall file a joint status letter. SO ORDERED.

  
July 12, 2023